

REGULAR MEETING  
MAY 21, 2007

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes, City Council Meeting, May 7, 2007
2. PUBLIC HEARING: On the application for a Special Permit, from Carlos Ferreira, 19 Bagley Rd., Southborough, Ma to construct, 5 townhouse units at 69 South St., Map 81, Parcel 155.
3. PUBLIC HEARING: at the request of Atty. David Gadbois re: Petition for Amendment to the Zoning Map 68, parcel 30A and a portion of Map 67, Parcel 45.
4. PUBLIC HEARING: on the petition by the Marlborough City Council, as requested by the Department of Public Works Commissioner re: rezoning City of Marlborough land off Cook Lane.
5. PUBLIC HEARING: re: FY08, Municipal Operating Budget.
6. Communication from the Mayor re: joining the newly formed MetroWest Regional Transit Authority.
7. Communication from the Mayor re: the appointment of Brian Murphy to the Zoning Board of Appeals.
8. Communication from the Mayor re: the appointment of Camille Duridas to the Community Development Authority.
9. Communication from the Mayor re: recently received Optim FreedomView Fiber Optic Scope Kit.
10. Communication from the Mayor re: transfers on behalf of several departments.
11. Communication from the Mayor re: transfer \$220,094.00 for the purpose of funding the International Association of Firefighters, Local 1714 Contract.
12. Communication from the Mayor re: transfer \$80,720.59 for the purpose of funding the Marlborough Municipal Employee Association Contract.
13. Communication from the Mayor re: Year-end intradepartmental budget transfers.
14. Communication from the City Solicitor re: the Decision for a Special Permit, on the application of Atty. Cipriano, for Sovereign Bank ATM Branch, 330 Boston Post Rd.
15. Communication from the City Solicitor re: Special Permit revision of Condition #3, for Fore Kicks II.
16. Communication from the City Solicitor re: the Decision for a Special Permit, on the application of Atty. Richard Frias for Gerson C. DeAlmeida to convert a residential dwelling at 55 Wilson St.
17. Petition by Ma Electric, to install one new pole #29x, on Solomon Pond Mall Road (plan #2007-62).
18. Petition by Ma Electric, to install new conduit on Valley Street (Plan #2007-69).
19. Communication from the Veteran's Council re: the Marlboro Memorial Day Parade.
20. Communication from Verizon re: franchise laws.
21. Notice of Project Change, Assabet Consortium, Town of Hudson.
22. Assabet River Consortium, Phase III Draft, Environmental Impact Report Contact List.
23. Central Ma Mosquito Control Project re: investigating residents' complaints about mosquitoes on May 31, June 6, 13, 20, 27, 2007.
24. "Beacon", May 2007.
25. "TransReport", May 2007.
26. Minutes, School Committee, May 9, June 5, June 27, July 11, July 27, Aug. 10, Aug. 29, Sept. 12, Sept. 26, Oct. 10, Oct. 24, Nov. 4, Nov. 14, Nov. 28, Dec. 2, Dec. 12, Dec. 18, 2006.
27. Minutes, Planning Board, Jan. 9, Jan. 26, Feb. 13, Feb. 27, Mar. 13, Mar. 27, April 10, 2007.
28. CLAIMS:
  - A. Scott Dyer, 217 Bolton St., property damage.
  - B. Chris Taylor, 154 Barnard Rd., property damage.

REPORTS OF COMMITTEE:

UNFINISHED BUSINESS:

**From Legislative and Legal Affairs.**

29. **Order No.07-100-1538** – re: request from Marlborough 2010 asking city to accept and adopt the provisions of MGL ch.43D and approve the filing of proposals for certain properties with the Commonwealth's Interagency Permitting Board. With the consent of the landowners, the properties specifically designated in this request are:  
362 Elm Street (Map 67 Parcel 47)  
417 South Street (Map 93 Parcel 14)  
Hayes Memorial Dr. (Map 110 Parcel 5, Map 99 Parcel 3 and Map 111 Parcel 12)  
100 Crowley Drive (Portion of Map 15 Parcel 12, Map 16 Parcel 1A & Map 29 Parcel 1)
- 1) **Motion made, and seconded, to adopt MGL Ch.43D. Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**
  - 2) **Motion made, and seconded, to appoint the Exec. Director of Marlborough 2010 as the single point of contact for the City. Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**
  - 3) **Motion made, and seconded, to accept 362 Elm Street as a priority development site. Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**
  - 4) **Motion made, and seconded, to accept 417 South Street as a priority development site. Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**
  - 5) **Motion made, and seconded, to accept Hayes Memorial Drive, Map 110 Parcel 5, Map 99 Parcel 3 and Map 111 Parcel 12, as a priority development site. Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**
  - 6) **Motion made, and seconded, to accept 100 Crowley Drive as a priority development site. Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**
30. **Order No.07-100-1476** – re: Communication from Mayor with a request to accept MGL Chapter 31, Section 58A which would amend sections 17.5(D) and 34-1.1 of the City Code restricting the age of entry-level firefighters and police officers respectively. The proposed ordinances would limit said age to thirty-two years unless the individual has performed active military service which would then raise the age restriction to thirty-six years – Police Chief Leonard and Fire Chief Adams support the ordinance change. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0**

**From Personnel Committee:**

31. **Order No. 07-100-1520** – re: Reappointment of Linda J. Clark as Registrar of Voters. Said appointment would be effective April 1, 2007 through March 31, 2010. **Recommendation of the Personnel Committee is to approve 3-0**
32. **Order No. 07-100-1536** – re: Reappointment of Rita Connors, Francis Foley and Dorothy Hodgson to the Council on Aging, expiring May 1, 2011. (Mr. Foley unavailable to attend) **Recommendation of the Personnel Committee is to approve 3-0**

**From Finance Committee**

33. **Order Number 07100-1488 – re: “Reduce Interest Rate to Seniors”** – The FINCOM met to discuss an order to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under MGL c59 s5 Clause 41A from 8% to 4% with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2007. **Recommendation of the Finance Committee is to approve 5-0.**
34. **Order Number 06100-1189 – re: “Senior Tax Exemption”** – The FINCOM continued discussions on the order submitted by Councilor’s Towle, Webster, Pope and Katz to determine the feasibility of offering qualified senior citizen home owners an exemption on an annual basis by vote of the City Council from increases in real estate taxes. The FINCOM discussed the following qualifications:
- Be age 75 or older
  - Have been a resident of Marlboro for 25 years or more
  - Own their home (as their principal residence) and derive no rental income from that home
  - Qualify for the Massachusetts senior “circuit breaker” tax credit

The FINCOM established a subcommittee of Councilors Towle, Webster and Levy along with the Assessor and Solicitor, presented the draft Home Rule Petition for “Freezing the Real Estate Taxes of Qualified Senior Citizens in the City of Marlboro.” The FINCOM reviewed the revised language based on the January 10, 2007 meeting. The FINCOM approved the language with two comments: to eliminate Section 5 Part B item 2 and delete the words “with a higher tax bill than the original” from the last sentence in Section 5 Part B Item 1. **The FINCOM approved the amended home rule petition and requested the Solicitor make these changes for submittal to the City Council at the May 7, 2007 meeting by a vote of 5 in favor to 0 opposed.**

**From City Council**

35. **Order Number 07100-1426 – re:** The application of a Special Permit by Atty. Aldo A. Cipriano for Sovereign Bank, for a Drive-thru Automatic Teller Machine (ATM) in conjunction with a Bank Branch to be constructed within the existing building at 330 Boston Post Road East, plate 59, parcel 10. The use of a Drive-thru ATM is in harmony with the general purpose and intent of the Marlborough Zoning Code (see communication from City Sol. agenda item #14 – decision is in proper form).
36. **Order Number 07100-1491A – re:** That the Application of Atty. Richard Frias for Gerson C. DeAlmeida for a Special Permit to convert a residential dwelling at 55 Wilson Street owned and occupied by the petitioner to a two-unit condominium with one of the units to be owner-occupied. Motion made by Councilor Schafer, seconded by Chairman Pope, to recommend approval of the Special Permit, together with Amended Findings and Conditions, it has been received from the (see communication from City Sol. agenda item #16 – decision is in proper form).
37. **ORDER NO. 07100-1465B - re:** The City Council of the City of Marlborough hereby Grants the Application for Special Permit to Fore Kicks II, Inc., c/o 190 Rolling Meadow Drive, Holliston, Massachusetts 01746, to construct and operate an indoor/outdoor Recreation Center at 291 Forest St. **VOTE: 5 IN FAVOR – 5 OPPOSED – 1 ABSTAINED. DOES NOT CARRY. MOTION: To reconsider at the May 21, 2007 meeting, approved.** (see communication from City Sol. agenda item #15 – revision of Condition #3)

38. **ORDER NO. 06100-1231F** – re: Registered Sex Offender Restrictions Ordinance, First reading, suspended; second reading, adopted; passage to be enrolled, adopted; passage to be ordained, adopted; **objection to passage in one evening.**
39. **ORDER NO. 06100-1231-1D** – re: Sex Offender Restrictions, Non-Criminal Disposition, First reading, suspended; second reading, adopted; passage to be enrolled, adopted; passage to be ordained, adopted; **objection to passage in one evening.**